

AO 91 (Rev. 11/11) Criminal Complaint

# UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America )  
v. )  
Manual Alejandro MARTINEZ-FERNANDEZ ) Case No.  
)  
)  
)  
)

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 4, 2018 in the county of Webb in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*

Title 18 USC 922 (g)(5)(a)

*Offense Description*

Possession of a firearm by an alien illegally and unlawfully in the United States.

This criminal complaint is based on these facts:

See Attached A Sheet...

☒ Continued on the attached sheet.

/s/ Marco Rodriguez

*Complainant's signature*

Marco Rodriguez, ATF Task Force Officer

*Printed name and title*

Sworn to before me and signed in my presence.

Date: October 9, 2018

*Judge's signature*

City and state: Laredo, Texas

Diana Song Quiroga, U.S. Magistrate Judge

*Printed name and title*

Attachment A

On Thursday, October 04, 2018, the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) assisted the Laredo Police Department (LPD) Auto Theft Task Force on an knock and talk investigation in regards to possible stolen items out of a tractor trailer reported to LPD on September 19, 2018.

Auto Theft Task Force proceeded to a residence at the 400 block of W. San Pedro Street in Laredo, Webb County, Texas. LPD Investigators obtained verbal and written consent from one of the habitants residing at the apartment. Auto Theft Investigators searched the house and located the stolen items. For safety purposes, investigators asked one of the residents of the apartment, identified as Manuel Alejandro MARTINEZ-FERNANDEZ, if there were any firearms in the apartment; MARTINEZ-FERNANDEZ stated to LPD Investigators he had a revolver inside the top dresser drawer located in the far right side entering his bedroom. Investigators then located the black in color, Rossi, model 461, .357 Magnum revolver, S/N# DR207470, loaded with six (6) rounds of .357 ammunition. When investigators asked MARTINEZ-FERNANDEZ for identification, he was only able to provide a Mexican driver's license and informed investigators he was in the United States illegally.

MARTINEZ-FERNANDEZ was transported to the Laredo Police Station for further interview. LPD Investigators read MARTINEZ-FERNANDEZ his Miranda rights in the Spanish language, which he signed and waived. MARTINEZ-FERNANDEZ stated to investigators he was illegally in the United States. MARTINEZ-FERNANDEZ admitted to storing the firearm in his dresser drawer after he purchased it for protection.

ATF seized the firearm and placed MARTINEZ-FERNANDEZ under arrest for Title 18 USC 922 (g) (5)(a)- Possession of a Firearm by an Alien Illegally and unlawfully in the United States.

Preliminary examination of the firearm indicated the firearm was manufactured outside the state of Texas affecting interstate commerce.

In addition, Border Patrol Agents conducted queries through CBP databases and discovered that on February 28, 2016, MARTINEZ-FERNANDEZ was found inadmissible at the Lincoln-Juarez Bridge, subsequently, his B1/B2 Border crossing card was cancelled. According to Border Patrol Agents, MARTINEZ-FERNANDEZ has no legal right to remain in the United States.